

MAINE STATE LEGISLATURE

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Ms.

January 3, 1951

To Franz U. Burkett, Esquire
Subject: Defense Responsibility of Towns

Confirming our conversation relative to the responsibility of towns to participate actively in Civil Defense plans and organizations, you are advised that Section 8 of Chapter 298 of the Public Laws of 1949 specifically provides that each political subdivision of this State is authorized and directed to establish a local organization for Civil Defense and Public Safety in accordance with the State Civil Defense and Public Safety program; and Section 11 of the same chapter states in part that each political subdivision shall have the power to make appropriations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision for the payment of expenses of its local organization for Civil Defense and Public Safety.

In view of the legislative mandate in Section 8 directing each political subdivision to provide a Civil Defense organization and the authorization in Section 11 to raise funds therefor, it appears clear to me that each municipality in this State is required by law to organize actively for Civil Defense and Public Safety.

As I understand my function as counsel for the State Director and your function as counsel for the County Director, we are to advise said Directors in all questions of law; but I do not understand that the State plan calls for either of us to give or transmit any positive directions or orders to anyone. The State plan contemplates that the respective Directors will seek their legal advice from us and then, if they so choose, will accept our advice and act thereon by giving such orders and directions as they, as administrators, feel should be given.

John S. S. Fessenden
State Deputy Director #5

jssf/c